

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

AMOUS TYRONE HAGWOOD,)	
Plaintiff,)	Civil Action No. 7:15cv00375
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
POCAHONTAS CORRECTIONAL)	
CENTER,)	By: Norman K. Moon
Defendant.)	United States District Judge

Plaintiff Amous Tyrone Hagwood, a Virginia inmate proceeding *pro se*, filed a civil rights action pursuant to 42 U.S.C. § 1983, naming only Pocahontas Correctional Center as a defendant. To state a cause of action under § 1983, a plaintiff must allege facts indicating that he has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by *a person* acting under color of state law. *West v. Atkins*, 487 U.S. 42 (1988) (emphasis added). As Pocahontas Correctional Center is not a “person” subject to suit under § 1983, Hagwood cannot maintain this action against the defendant correctional center. *See McCoy v. Chesapeake Correctional Center*, 788 F. Supp. 890 (E.D. Va. 1992). Accordingly, I will dismiss Hagwood’s complaint without prejudice pursuant to 42 U.S.C. § 1997e(c)(1).

ENTER: This 23rd day of October, 2015.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE